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Comments submitted on the Dockets Management System's Website at <http://dms.dot.gov>

February 3, 2003

Dockets Management System
U.S. Department of Transportation
400 Seventh St., SW., Room PL 401
Washington, DC 20590

Re: Docket # *RSPA-2002-13658 (HM-215E)*

To the Docket;

Clean Harbors Environmental Services, Inc. (Clean Harbors), headquartered in Braintree, Massachusetts, is a publicly traded company whose 4,500 employees provide a wide range of environmental remediation services, hazardous waste management and on-site lab-packing to a diversified customer base from over 100 locations in North America. Clean Harbors provides a broad range of industrial maintenance and hazardous waste management capabilities, including treatment, storage, resource recovery, soil stabilization, and the transportation and disposal of industrial wastes and hazardous materials. Over the past 22 years, Clean Harbors has grown to become the nation's largest provider of environmental services.

As a leader in the hazardous waste industry, Clean Harbors is directly affected by DOT's proposed rule, HM-215E entitled, *Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions*. For the most part, Clean Harbors agrees with the proposed changes and applauds DOT's efforts to harmonize the hazardous materials shipping regulations with international requirements. There are, however two items that may cause difficulties for those of us who package and transport hazardous materials that are also hazardous waste and regulated by the US EPA.

Section 172.202(a)(2) – addition of subsidiary hazard class to the shipping papers

On page 72040 of the proposed rule, RSPA discusses the addition of the subsidiary hazard class to the shipping papers. As pointed out, this is currently required for transportation by vessel and the amended language would require subsidiary hazard classes on shipping papers for all modes of transportation.

Clean Harbors has determined that this addition will add up to 10 extra characters to the EPA hazardous waste manifest EPA Form 8700-22 (*required for hazardous waste shipments per 49 CFR 172.205*) in a section that is already limited in space. Unlike the generic Bill of Lading which has no prescribed space restrictions, the EPA uniform hazardous waste manifest has only a certain amount of space to enter the US DOT Description for each hazardous material in the waste shipment, including, proper shipping name, hazard class, ID number and technical descriptions if appropriate. We would also like to point out that the EPA's Office of Solid Waste

is currently working on a final rule to revise the hazardous waste manifest form 8700-22, and to establish an electronic manifest format. The proposed rule was published May 22, 2001 and the comment period has come and gone. The regulated hazardous waste industry provided comments to the EPA manifest rule based on the DOT shipping requirements at that time. We request that DOT coordinate these proposed changes with the Office of Solid Waste at EPA to ensure that the pending new form of the manifest and any electronic formats include enough space and fields to accommodate DOT's proposed changes.

Clean Harbors generates manifests electronically from a database program that prints the required information on a manifest form. We have determined that to add the necessary subsidiary hazard classes to our manifest program, we will need to add extra fields into the database and then update approximately 80,000 active hazardous waste customer profiles. Another 200,000 inactive profiles will also require updates on a case by case basis. To accomplish this task, and update the computer database for all of the proposed changes to the 172.101 shipping table, Clean Harbors requests that the transition period be extended to October 1, 2005. We are also concerned that the transition period has been set before the rule has been promulgated and we want to ensure that we have adequate time to come into compliance. The later the promulgation date, the shorter the transition period will be.

Section 172.202(a)(5) – addition of total quantity to the shipping papers

Page 72040 of the proposed rule also details the proposed requirement to include the total quantity of hazardous materials. This includes the type of packages such as drums, boxes, jerricans, etc. DOT's proposed requirement are in direct conflict with the current EPA hazardous waste manifest requirements. In the hazardous waste regulations, 40 CFR Appendix to Part 262, EPA details the instructions for the Uniform Hazardous Waste Manifest and Continuation page (EPA Forms 8700-22 and 8700-22A). Table I of the Appendix contains the container types and abbreviation codes that must be used on the manifest in section 12. The information contained in the current table is as follows:

Table I – Types of Containers

| | |
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| DM=Metal drums, barrels, kegs | DT=Dump truck |
| DW=Wooden drums, barrels, kegs | CY=Cylinders |
| DF=Fiberboard or plastic drums, barrels, kegs | CM=Metal boxes, cartons, cases (including roll-offs) |
| TP=Tanks portable | CW=Wooden boxes, cartons, cases |
| TT=Cargo tanks (tank trucks) | CF=Fiber or plastic boxes, cartons, cases |
| TC=Tank cars | BA=Burlap, cloth, paper or plastic bags |

Clean Harbors recommends that DOT exempt hazardous materials shipped on a hazardous waste manifest from the requirements of 172.202(a)(5), since the hazardous waste manifest already requires the proposed information, but in a slightly different format. We do not recommend that DOT adopt the above listed Container Type table, since this table is subject to change by EPA. It is important that DOT exempt Hazardous Materials shipped on a Uniform Hazardous Waste Manifest, and not exempt only "Hazardous Waste" from this requirement. This is important because some non hazardous waste may be shipped on a manifest in addition to hazardous waste and therefore, DOT needs to exempt all hazardous materials shipped on a Uniform Hazardous Waste Manifest so that generators do not have to create two shipping papers to ship both a hazardous waste item and a non hazardous waste item to the same location.

On behalf of Clean Harbors, I would like to thank DOT for the opportunity to comment on this important rulemaking. If you have any questions, please feel free to contact me at 603-437-1533.

Very truly yours,

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Regulatory Analyst

cc: Scott Kuhn – Clean Harbors - Vice President of Regulatory Compliance
Curtis Rankins – Clean Harbors – Vice President of Health, Safety and Transportation